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EXAMINER

LEROUX, ETIENNE PIERRE

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BRIAN M. SIEGEL and GREGORY D. GUDORF

Appeal 2008-0798
Application 09/805,534
Technology Center 2100

Decided: July 31, 2008

Before JAMES D. THOMAS, JAY P. LUCAS, and STEPHEN C. SIU,
Administrative Patent Judges.

SIU, *Administrative Patent Judge.*

DECISION ON APPEAL

I. STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1, 2, 4-9, 12, and 14-20. Claims 3, 10, 11, and 13 have been cancelled. We have jurisdiction under 35 U.S.C. § 6(b). We reverse.

A. INVENTION

The invention at issue involves providing product information (Spec. 2). In particular, codes are associated with characteristics of a product and changed values of the characteristics are sent to entities that are identified based on the changed values of the characteristics (*id.* 2).

B. ILLUSTRATIVE CLAIM

Claim 1, which further illustrates the invention, follows:

1. A computer program product embodied on one or more computer-readable media having instructions executable by a processor for performing a method of providing product information comprising:
 - associating a first code with a first characteristic of a product and a second code with a second characteristic of the same product,
 - storing a first characteristic value associated with the first characteristic and a second characteristic value associated with the second characteristic,
 - associating an identity of a first entity with at least one of the first or second codes including setting one or more distinct update values indicating whether the first entity is authorized to receive changes relating to the first or second characteristic values associated with the first or second code,
 - changing at least one of the characteristic values to produce a changed characteristic value,
 - retrieving the identity of the first entity based on the changed characteristic value,
 - determining whether the first entity is authorized to be sent the changed characteristic value based on one of the one or more distinct update values, and

sending the changed characteristic value to the first entity based on the determination.

C. REJECTION

Claims 1, 2, 6, 12, and 15 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,321,236 (“Zollinger”). Claims 4, 5, 7-9, 14, and 16-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Zollinger and U.S. Patent No. 5,913,210 (“Call”). Claims 19 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Zollinger and U.S. Patent No. 6,185,601 (“Wolff”).

II. ANALYSIS

Claims 1 and 15 recite retrieving the identity of the first entity based on the changed characteristic value. Claim 6 recites identifying a first entity based upon the modified product information and the information code associated with the product, the product data, and the destination data. Claim 12 recites means for retrieving the identity of the first vendor based on the changed characteristic value.

Appellants assert that Zollinger fails to disclose “retrieving the identity of the entity based on the changed characteristic values” (App. Br. 12) because, according to Appellants, although Zollinger “retrieves information about a client, however, such retrieval is based on a request for information from the client and not based on changes to the information” (App. Br. 13).

The Examiner finds that Zollinger discloses an “identity of the first entity as client/subscriber [Zollinger: Fig 1, col 7, lines 20-30]” (Ans. 10), a “changed characteristic value as differencing engine 30, Fig 1” (*id.*), and “updates [Zollinger: col 8, lines 15-30] to one or more database tables” (Ans. 10). However, the Examiner does not show that Zollinger also discloses that the identity of the “client/subscriber” is retrieved “based on the changed characteristic value” as recited in claim 1 and claim 15 or that the “client/subscriber” is identified based on modified product information (claim 6) or based on the changed characteristic value (claim 12). Rather, it appears that the identity of the “client/subscriber” is based on the client connecting “with the server synchronizer component 46” and identifying “itself through some form of identifier in a synchronization request” (col. 8, ll. 6-10). The Examiner does not demonstrate, let alone assert, that the “changed characteristic value” is equivalent or suggestive of a client connecting with a server synchronizer component or identifying itself through some form of identifier in a synchronization request.

Also, the Examiner does not demonstrate or assert that Call or Wolff, either alone or in combination with Zollinger, discloses identifying or retrieving an identity of an entity or vendor based on a changed characteristic value or modified product information and an information code associated with a product. Therefore, we reverse the rejection of claims 1, 6, 12, and 15, and of claims 2, 4, 5, 7-9, 14, and 16-20, which depend from therefrom.

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III. ORDER

In summary, we reverse the rejections of claims 1, 2, 6, 12, and 15 under 35 U.S.C. § 102(e) and of claims 4, 5, 7-9, 14, and 16-20 under 35 U.S.C. § 103(a).

REVERSED

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